

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Whole Woman's Health, et al.,

Plaintiffs,

v.

Austin Reeve Jackson, et al.,

Defendants.

Case No. 1:21-cv-00616-RP

**DEFENDANTS' AMENDED MOTION TO DISMISS IN PART
FOR LACK OF SUBJECT-MATTER JURISDICTION**

In accordance with the Fifth Circuit's order of April 26, 2022, the defendants respectfully move to dismiss: (1) Claims 1 through 5 of the plaintiffs' complaint (ECF No. 1); and (2) All claims asserted against defendants Austin Reeve Jackson and Penny Clarkston. *See* Fed. R. Civ. P. 12(b)(1); *Whole Woman's Health v. Jackson*, 142 S. Ct. 522 (2021). We have conferred with counsel for the plaintiffs and they intend to file a statement in response setting forth their position. A proposed order is attached.

Respectfully submitted.

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CERTIFICATE OF CONFERENCE

I certify that I have conferred with Marc Hearn, counsel for the plaintiffs, and he informed me that the plaintiffs intend to file a statement in response setting forth their position.

/s/ Jonathan F. Mitchell

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CERTIFICATE OF SERVICE

I certify that on May 22, 2022, I served this document through CM/ECF upon:

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